

**MINUTES OF THE REGULAR MEETING
MASSILLON CITY COUNCIL
HELD TUESDAY, JANUARY 21, 2020**

COUNCIL PRESIDENT ISTNICK – Welcome to the Massillon City Council Meeting for Tuesday, January 21, 2020. We have in attendance with us the following city officials: Mayor, Kathy Catazaro-Perry, Safety Service Director, Barb Sylvester, Law Director, for the Engineering Dept., Jason Popiel, Law Director, Andrea Scassa, Community Development Director, Samantha Walters, Economic Development Director, Dave Maley, Income Tax/Budget Director, Lori Boron and Health Dept. Commissioner, Terri Argent. On the wall to the left are agendas if you wish to follow the meeting. Also, if you look at the agenda, under item #5 is where the public can speak on any item that appears on tonight's agenda and then under item #17 is where the public can speak on any item that does NOT appear on tonight's agenda. I want remind anyone with cell phones, please turn them down or set them to vibrate.

COUNCIL PRESIDENT ISTNICK – Roll call.

1. ROLL CALL

Roll call for the evening found the following Council Members present: Jill Creamer, Mike Gregg, Nancy Halter, Ted Herncane, Ed Lewis, Linda Litman, Mark Lombardi, Megan Starrett and Jim Thieret.

Roll call of 9 present

COUNCIL PRESIDENT ISTNICK – Councilwoman Halter.

2. INVOCATION

COUNCILWOMAN NANCY HALTER

3. PLEDGE OF ALLEGIANCE

LED BY COUNCILWOMAN HALTER

4. READING OF THE JOURNAL

COUNCIL PRESIDENT ISTNICK – Madam Clerk, are the minutes of the previous meeting transcribed and open for public viewing?

COUNCIL CLERK ROLLAND – No, they are not ma'am. I was working on the website over Friday and just got it worked out, but they will be posted tomorrow.

COUNCIL PRESIDENT ISTNICK – Thank you. Mr. Popiel, if you'd come up.

JASON POPIEL – Hello everyone. I come with good news. It is my pleasure to let City of Massillon Council know that the Lincoln Way Streetscape Project was selected as the American Society of Highway Engineers Project of the Year under \$5 million. This is a very competitive and prestigious award. So, I want to give congratulations to everybody that on the staff that worked on it and Council. It's an award that recognizes projects that are important to

the traveling public and complexity and innovation and anesthetics and now that we've won, the Northeast Ohio Region Award, we have been selected to go on to the Great Lakes Region where we'll be competing against other winners in the Great Lakes area and then on from there to Nationals if that be. This is a great opportunity to let everyone know about Massillon's projects and the Imagine Plan. On March 26th myself, the contractor and some members of the Administration will be presented with the award at a luncheon at the ASHE Annual meeting. So, I just wanted to give congratulations to everybody. Thank you.

(Applause)

COUNCIL PRESIDENT ISTNICK – Congratulations.

5. **REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS ON THE AGENDA**

BONNIE FALL – I own Engraver's Gallery, 10 Lincoln Way E., Massillon. I also reside in Massillon at 1055 Tanya Ave. N.W. and I would like to make a comment about the sidewalk obstruction ordinance that you'd like to change. I really think it needs rewritten, relooked at. Not having anything on the sidewalks from December 1st through March 1st is not good business. I don't know why somebody wants to put that in there to kind of restrict us from putting something on the sidewalk. We don't hinder people walking through and if you look at the last couple of years, in December it was 60 degrees. So, I just think that people need to look at this and do a rewrite or a revamp because I don't think being fined for having something outside your business to promote your business is good practice. That is all I have to say right now. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Bonnie.

BILL WEAVER – 28 Lincoln Way E., downtown Massillon. My question about this language for the sidewalk obstruction thing; I have giant flower pots outside my flower shop. There's no where for them to go, if you're saying that those have to be moved and, because it says anything outside on the sidewalk has to be for sale. Those are not for sale, they're a decoration for the store. Will I have to move them every day? That's impossible to do. The same as we put out temporary signs, those little signs that have the slide on letters that says what the specials are at Sugar Bowl or if we have something special at the flower shop, those things tend to stay out or at least are brought closer to the building. They're not necessarily out on the sidewalk all the time. But, if the whole thing was to either clean up downtown of things that people thought were unsightly sitting outside of stores, that's one thing. But, if the language is vague like it is in this, then, it means everything. So, is it everything? Is it not everything? There's needs to be some...this language is not good. It needs to be rewritten to specifically say things. Because a lot of it is open interpretation and that's not necessarily a good thing for the downtown businesses. We've suffered enough without having to deal with this. Plus, when this was originally talked about long time ago, it was to clean up the sidewalks. But then it was added in there to make the sidewalks safe and to plow the sidewalks and that kind of thing. Well, you've dropped all of that back onto us. The City's not doing anything. So, why would they want to restrict anything on the sidewalk? It doesn't affect them; it affects us personally. So, if we have something on the sidewalk and we have to shovel around it, too bad for us. It's not nothing to do with the City or the Council or anybody else because you're not doing anything for us. You're not doing anything on those sidewalks and we're there to protect them, we're not going to damage the sidewalks, but we also should not be demeaned or restricted as to what we can or cannot do in front of our shops. That was

the whole reason for things that we did. Like the car show, like Smiley's sets up outside in front of their restaurant to sell pizza the next day. The Sugar Bowl would do the same thing, probably. Those things would be out there after business hours. So, again, we need better explanations I think in this. It's very vague that way and I think it could harm some businesses. Thank you.

COUNCIL PRESIDENT ISTNICK – Mr. Weaver, as you know, this is not a question-answer period, but however, when that ordinance comes up, perhaps some of Council can raise your questions.

BILL WEAVER – That's fine.

COUNCIL PRESIDENT ISTNICK – Thank you.

ED GRIER – 227 Dwight Ave. S.E., Massillon and I'm here to speak on Ord. No. 1 – 2020 in regards to the Duncan Plaza Project. I think it would not only help the citizens, but I think it'll help the downtown merchants. Because not only can you have the concerts there, but you could have other events; weddings and other kinds of things, parties and different things all year round and it certainly is not only going to help the City maybe with the tax base but also the downtown merchants who have suffered here for the last four or five months. So, I think the Duncan Plaza Project that the Mayor put forward is a way to go and I would support that 110%.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. Grier and on behalf of Council and myself, congratulations on your nomination to "Distinguish Citizens".

ED GRIER – Thank you.

COUNCIL PRESIDENT ISTNICK – Is there anyone else?

6. INTRODUCTION OF ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 8 – 2020

BY: HEALTH, WELFARE AND BUILDING REGS. COMMITTEE

AN ORDINANCE amending Chapter 521 "HEALTH, SAFETY AND SANITATION" of the Codified Ordinances of the City of Massillon, Ohio, by repealing Ordinance 521.04 "SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY", and enacting an amended Ordinance 521.04 "SIDEWALK OBSTRUCTIONS; DAMAGE OR INJURY", and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Halter.

COUNCILWOMAN HALTER – First reading, Madam President.

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – I'd like to request that perhaps a discussion period be permitted either this evening or if it is under a committee meeting that we be permitted to have more of a dialogue. Not only amongst our Council members, but also with some of the business owners. I know we have a few of them here this evening, but I've been contacted by others as well who have concerns about the issues that are in this requested ordinance and I'm happy to put them

on record now or if it's something that we could do as a discussion period; I would be fine with that as well.

COUNCIL PRESIDENT ISTNICK – Councilwoman Halter.

COUNCILWOMAN HALTER – Mrs. Litman, I was going to bring that up under Report of Committees. I'm going to request that we have a meeting Monday at 6:00 p.m. on this issue.

COUNCIL PRESIDENT ISTNICK – That would be Monday the 27th?

COUNCILWOMAN HALTER – Yes.

COUNCILWOMAN LITMAN – Okay. Thank you. That would be fine. I'll go ahead and keep these issues to discuss at that meeting.

COUNCIL PRESIDENT ISTNICK – Okay. Ord. No. 8 – 2020 has received first reading. Ord. No. 9 – 2020.

ORDINANCE NO. 9 – 2020

BY: RULES, COURTS AND CIVIL SERVICE COMMITTEE

AN ORDINANCE authorizing the Auditor, the Mayor and the President of the Health Department Board of the City of Massillon, Ohio, to enter into a contract with Local Government Services (LGS) to compile the basic financial statements for the City of Massillon Health Department for the financial year ending December 31, 2019, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Gregg.

COUNCILMAN GREGG – Thank you, Madam President. This is a piece of legislation that we've talked about in our Committee meetings and also, it's a standard contract we deal with, I believe, annually with the Local Government Services to compile basic financial statements. So, unless there's objections or questions, I plan to bring this forward for a vote. Anybody have any questions? Seeing none, I move that we suspend the rules requiring three readings and bring Ord. No. 9 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 9 - 2020. Ord. No. 10 – 2020.

AN ORDINANCE authorizing the Director of Law of the City of Massillon, Ohio, to enter into a one (1) year Agreement with the Village of Brewster, Ohio, for the purpose of the Massillon Law Department to provide prosecutorial and legal services to the Village of Brewster, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This Agreement will have a value of \$12,300.00 that Brewster will pay to the City of Massillon for legal services. We have similar contracts with other communities around us that are within the court district. Are there any questions or discussion this evening?

COUNCIL PRESIDENT ISTNICK – Councilwoman Litman.

COUNCILWOMAN LITMAN – Yes. I guess I was looking at the contract itself and I didn't see where there was a particular number of hours that this \$12,300.00 makes up. Can I request to know how many hours are typical spent, not only on Brewster's contract because I know we have several others, as to how many hours the Law Dept. is spending to collect this \$12,300.00?

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I would call forth the Law Director, Andrea Scassa.

COUNCIL PRESIDENT ISTNICK – Thank you, Ms. Scassa.

ANDREA SCASSA – Councilwoman Litman, I don't have those set number of hours. I can pull the report, the Annual Report that the Court puts out to see the amount of cases that we deal with from Brewster. Off the top of my head, I don't know what those are from 2019, but it just depends on the case the amount of time that needs to be put in for each particular case. Let alone the fact there may be some circumstances where they contact us for advice that may or may not actually evolve into a charged case. So, I can't give you a set hourly figure tonight.

COUNCILWOMAN LITMAN – How was the amount of \$12,300.00 derived for our services?

ANDREA SCASSA – That was derived from what the past counselor, past prosecutor that they used that they contracted with. That was the figure that they used and when we went back and was discussing back at the end of 2018, their cases have pretty much remained the same. So, we based what that previous prosecutor did for that case number based on that. So, and the cases have pretty much stayed the same, I guess, number wise.

COUNCILWOMAN LITMAN – Do you have an hourly fee? I guess I would like to see in this type of a contract, \$12,300.00 up to "X" number of hours or "X" number of cases. I'd hate to see a case that would take a significant amount of your time have to be spent in Brewster. Each of your hours are worth a certain amount of money and a certain amount of dollars and if that's not written in here, we may not foresee an issue that would come about that would take a lot of hours, a lot of billable hours, if you will, and they're only going to be charged \$12,300.00.

ANDREA SCASSA – Well, no, you're not going to see an hourly rate in there or a charge by case. When we are prosecuting cases, again, cases vary in how involved there are. I can tell you, again, with 2019 being the first year that we were under contract with Brewster, we didn't see a spike in the number of cases. In talking to the prosecutors, they didn't feel that they devoted any more time to the prosecution of those cases than they would with the "run of the mill" type of Jackson or Perry Twp. cases that they got. If that would become an issue, then we could always re-evaluate that in the next year's contract. But, with any criminal prosecution, it's very difficult to say that we've put in too many hours, so, we're no longer going to prosecute a case. That's not how we operate. So, like I said, in reviewing the contract for 2020, we didn't see a spike in cases. We didn't see that any of their cases that we devoted much more time than we did to any of the other communities that we contract with. But if that would become an issue, then those would be conversations that I could have with those village solicitors to let them know that in the next year we're either going to have to up the contract or renegotiate it.

COUNCILWOMAN LITMAN – I just look at this contract as similar to OHM where they have dedicated sixteen (16) hours or twenty (20) hours, it used to be sixteen (16), now it's twenty (20) hours per week to adhere to the contract that way if it's more than that then there's billable hours thereafter. So, I guess I would think this type of a contract or maybe these types of contracts, not just with Brewster, but with the other municipalities, maybe should operate the same way. But you're making quarterly payments on this contract or they're making quarterly payments.

ANDREA SCASSA – Yes, they're making quarterly payments.

COUNCILWOMAN LITMAN – Yes. So maybe to have a certain number of hours and/or cases, whatever you would think would be best suitable for this type of contract, actually be a part of the contract and then anything thereafter, have a billable hour. That way if it falls something out of the blue that wasn't expected, then it wouldn't take a significant amount of your time that could be spent with our own legal business. Just a thought.

ANDREA SCASSA – And that's something that we can consider for next year's contract.

COUNCIL PRESIDENT ISTNICK – Anyone else? Seeing none, Councilman Lewis.

COUNCILMAN LEWIS – I make motion that we suspend the rules requiring three readings, bringing Ord. No. 10 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 10 – 2020 has passed. Ord. No. 11 – 2020.

ORDINANCE NO. 11 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to exercise the option to renew the Engineering Contract with OHM Advisors for the years 2020, 2021 and 2022, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – First reading. Thank you, Ord. No. 11 – 2020 has received first reading. Ord. No. 12 – 2020.

ORDINANCE NO. 12 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1401 Capital Improvement Fund to purchase a staff vehicle for the Massillon Fire Department, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. This ordinance would be the appropriation of \$41,300.00 to bring forward from 2019 for a vehicle they were going to purchase, but were not able to, I believe that's correct. We're going to get clarification from the Safety Service Director Sylvester. I want to make sure that I am stating that correctly.

COUNCIL PRESIDENT ISTNICK – If you'd come up, Ms. Sylvester? Thank you.

BARB SYLVESTER – Good evening. Yes, as presented by Chief Burgasser at the Work Session and the letter that he did include with the documents, the vehicle did not come in on time. So, the money was in his budget so, the Auditor's office and myself told him that he'd have to put the request back in. He did have a copy of his budget with him that evening and it was included with your packets. So, it was in his budget for last year, but, again, the funds rolled over because the dealership doesn't want to go back on an invoice dated 2019. It'll be dated 2020.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – Yes. I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 12 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 12 – 2020 has passed. Ord. No. 13 – 2020.

ORDINANCE NO. 13 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1203 Community Development Block Grant Fund, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – The total of this ordinance is an appropriation for \$111,351.36 that will be going into clearance, demolition, downtown street improvements and fair housing; all within the CDBG Fund. Are there any questions or discussion this evening? Seeing none, I make a motion that we suspend the rules requiring three readings, bringing Ord. No. 13 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Ord. No. 13 – 2020 has passed. Res. No. 2 – 2020.

ORDINANCE NO. 2 – 2020

BY: COMMITTEE OF THE WHOLE

AN RESOLUTION appointing Diane Rolland as **Administrative Assistant/Clerk** of Massillon City Council and establishing salary for said job, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Are there any questions or discussion this evening? Seeing none, I make a motion we suspend the rules requiring three readings and bring Res. No. 2 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 2 – 2020 has passed. In addition, before moving on, pursuant to Council Rule No. 74 of Chapter 121 of the Codified Ordinances, I am authorized to appoint a Temporary Acting Clerk of Council. I'd like to take this opportunity to introduce to you Tracee Ward, if you could stand up, Tracee, whom I am appointing as a Temporary Acting Clerk of Council. I have chosen Tracee, in the event that

Diane is unable to attend or is on vacation during one of our Regular Meeting, Work Sessions and/or Special Meetings. Tracee will not be on Council payroll. She will be paid at the rate of \$50.00 per meeting from our Services and Contracts line item. Please welcome Tracee as our Temporary Acting Clerk. (Applause). Res. No. 3 – 2020.

RESOLUTION NO. 3 – 2020

BY: COMMITTEE OF THE WHOLE

A RESOLUTION commending **SARITA CUNNINGHAM** as a Member of City Council of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes. Is there anyone that would like to make any statements or comments?

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – I just want to thank all of the Council Members who are going to get their commendation here; Ms. Cunningham, Mr. Irwin, Mr. Manson and Mr. Harris. I think they all did a wonderful job on City Council and I appreciate all of their time and efforts given to the City.

COUNCIL PRESIDENT ISTNICK – Anyone else? Councilman Lewis.

COUNCILMAN LEWIS – I'd like to make a motion that we suspend the rules requiring three readings, bringing Res. No. 3 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 3 – 2020 has passed. Res. No. 4 – 2020.

RESOLUTION NO. 4 – 2020

BY: COMMITTEE OF THE WHOLE

A RESOLUTION commending **DAVE IRWIN** as a Member of City Council of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Yes, I'd like to make a motion that we suspend the rules requiring three readings, bringing Res. No. 4 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 4 – 2020 has passed.
Res. No. 5 – 2020.

RESOLUTION NO. 5 – 2020

BY: COMMITTEE OF THE WHOLE

A RESOLUTION commending **PAUL MANSON** as a Member of City Council of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we suspend the rules requiring three readings, bringing Res. No. 5 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 5 – 2020 has passed.
Res. No. 6 – 2020.

RESOLUTION NO. 6 – 2020

BY: COMMITTEE OF THE WHOLE

A RESOLUTION commending **JASON HARRIS** as a Member of City Council of the City of Massillon, Ohio, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we suspend the rules requiring three readings, bringing Res. No. 6 – 2020 forward for a vote.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll call for suspension.

9 yes for suspension

COUNCIL PRESIDENT ISTNICK – And for passage.

9 yes for passage

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. Res. No. 6 – 2020 has passed. I would also like to echo Councilwoman Starrett's remarks. They will be greatly missed.

7. UNFINISHED BUSINESS

8. PETITIONS AND GENERAL COMMUNICATIONS

9. BILLS, ACCOUNTS AND CLAIMS

The Repository	-	\$ 680.00	Publication of November Ordinances
Bonnie's Engravers	-	<u>350.50</u>	Name Plates and Rubber Stamp
		\$1,030.50	Total

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we pay the bills.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll call to pay the bills.

9 yes to pay the bills

COUNCIL PRESIDENT ISTNICK – Thank you. The Clerk will pay the bills and charge them to their proper accounts.

10. REPORTS FROM CITY OFFICIALS

Treasurer's Report	-	December 2019
Auditor's Report	-	December 2019

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we accept the Auditor's Report.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Starrett. Roll call.

9 yes to accept the Auditor's Report

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. The Auditor's Report has been accepted.

11. REPORTS OF COMMITTEES

COUNCIL PRESIDENT ISTNICK – Our next Work Session will be Monday, January 27, 2020 at 6:30 p.m. Prior to that, there will be a Health, Welfare, Bldg. Reg. meeting at 6:00 p.m. Councilwoman Halter.

COUNCILWOMAN HALTER – Thank you, Madam President. Yes, as I said, I talked today with members of our Committee which would be Mr. Herncane and Mr. Lombardi and we have all agreed that the wording is a little confusing. So, we would like to call a meeting at 6:00 p.m.

for our Committee and anyone else that's interested, Monday, January 27th at 6:00 p.m.
Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you.

12. RESOLUTIONS AND REQUESTS OF COUNCIL MEMBERS
13. CALL OF THE CALENDAR
14. THIRD READING ORDINANCE AND RESOLUTIONS
15. SECOND READING ORDINANCES AND RESOLUTIONS

ORDINANCE NO. 1 – 2020

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the Director of Public Service and Safety of the City of Massillon, Ohio, to enter into an agreement with John Patrick Picard Architect Inc. for architectural services in the redevelopment of Duncan Plaza.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. As I stated last week at the Committee meeting, I intend to give this second reading and if any Council members have any other significant questions, please give them to me or the Mayor before the next Monday's Work Session so that we can have those answered and vote on this at third reading. Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you, Ord. No. 1 – 2020 has received second reading. Ord. No. 2 – 2020.

ORDINANCE NO. 2 – 2020

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE amending Section 1151.02 of the Massillon Code of 1985 rezoning a certain tract of land from O-1 Office to R-1 One Family Residential, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 2 – 2020 has received second reading. Ord. No. 3 – 2020.

ORDINANCE NO. 3 – 2020

BY: COMMUNITY DEVELOPMENT COMMITTEE

AN ORDINANCE authorizing the City of Massillon, Ohio, to accept the estimated proposal submitted by Edward Elum for the repairs and improvements to Duncan Plaza.

COUNCIL PRESIDENT ISTNICK – Councilwoman Starrett.

COUNCILWOMAN STARRETT – Thank you, Madam President. Again, any questions or concerns regarding this ordinance, please have ready for the next Committee meeting. Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No 3 – 2020 has received second reading. Ord. No. 7 – 2020.

ORDINANCE NO. 7 – 2020

BY: FINANCE COMMITTEE

AN ORDINANCE making certain appropriations from the unappropriated balance of the 1100 General Fund for the City's share of the redevelopment of Duncan Plaza, for the year ending December 31, 2020, and declaring an emergency.

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – Second reading.

COUNCIL PRESIDENT ISTNICK – Thank you. Ord. No. 7 – 2020 has received second reading.

16. NEW AND MISCELLANEOUS BUSINESS

17. REMARKS OF DELEGATIONS AND CITIZENS TO MATTERS NOT ON THE AGENDA

L.J. DELUCA – I'd like to welcome all of the new members of City Council. I really appreciate them. I followed a lot of them. In fact, I'm running into Ted a lot of times at Kozmo's; him and his Dad. It's a great place, Ted. I appreciate that. I also want to welcome Mark, whom I personally know. Jim, I've talked to quit a bit and Nancy Halter who I think we talked prior; we met somewhere. I don't know if it was Smiley's, but we met somewhere. Congratulations to you all and I'm glad for the new blood here at Massillon City Council, I really am. I think these people are going to be very great for the Massillon City Council. Speaking about the...

COUNCIL PRESIDENT ISTNICK – Excuse me?

L.J. DELUCA – Yes.

COUNCIL PRESIDENT ISTNICK – Name and address.

L.J. DELUCA – 2954 Veterans Blvd. S.E., Massillon, Ohio. Thank you, Madam President. And I just want to make for the record; I want to thank Diane Rolland. Anything I ever ask for she always gives and Madam President, if I ask her something, she gets it. So, I really appreciate the work of those two, as well, Massillon. Speaking about new blood into the Massillon City, I want to get on with the Massillon Aultman E.R. I wrote a letter, actually it was an e-mail on the site, Jimmy. I said, Jimmy did Massillon forget about our E.R., not hospital, that we have here in Massillon, Ohio? I said, seriously, Jimmy. Listen, Bro, the Cleveland Clinic just earned certification for stroke care at two of its area hospitals. And I looked and I researched. Cleveland Clinic, Mayfield Hgts. and the Cleveland Clinic, Fairview Park. Ask this question, Massillon, that's all I want you ask with our new E.R., and I want you to ask this, does our new E.R. have certification from Bucktomey Capable Stroke Centers. I know they did something, the Mayor did something with stroke at the E.R., they had something. I think it's

very important here. Because hospitals that have this can successfully perform a surgery for removing blood clots, when I researched it and it must be done very quickly and it has to be able to perform the surgery in Ohio. And right now, there's only five (5) hospitals. I know it's an E.R. we have here, but we're saying it's a Massillon Aultman E.R., but we're really trying to say it's a hospital, which it isn't. Out of those five (5) that are around the state of Ohio, the Massillon Aultman E.R. and I'm sorry to say, isn't on there. So, I investigated like I said and I noticed that we don't have this certification at all. We need to keep our Aultman Massillon E.R. to get up on the ball and get this here at our new E.R. We must expand Aultman Massillon E.R.'s certification and credentials and we were dealt with this by the Mayor and you, the Massillon City Council, the Aultman Massillon E.R. And I think for the most part, it's good. But, actually, I visited there. I had to visit, unfortunately, but actually it was a good visit because the people there were very great. But remember, they got to have certifications and they got to have the equipment to do a job. So, we need to get this certification, Mayor. Yes, I'm sounding alarmed. As I said, yes, I've been to this Aultman E.R. They're wonderful people, but again, they can't do too much if they don't have the necessary vital equipment, certification. So, our lives depend on it. The Massillon City Council, everyone of you in Massillon City Council; you live in Massillon, right? Even if you don't live here; there's some people from Brewster that can go to that Aultman E.R., Nancy. And so, we've got to get this Aultman E.R., we've got to get them up to date and we got to get things going here. Because somebody you depend on is going to die unless we get these stroke things going on at the Aultman E.R. And that's what I wanted to say and again, I want to give them a lot of kudos for that because it was great at the Aultman E.R., but I want to get us to start getting our certifications, not just keep it as it is. And I think one of the things the Mayor said it was stroke. I think you said you had something there for stroke, but I'm not so sure we have this and I'd like to get it to Massillon and all of the residents here. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Mr. DeLuca. If we could call the Mayor up.

MAYOR CATAZARO-PERRY – Good evening, Members of Council. I wanted to address that comment because I don't want our community to be alarmed. We are seeing about fifty (50) patients a day at Aultman Massillon E.R. and they're doing an outstanding job. I've heard nothing but compliments from those that have received service there and we do have Stroke Telemedicine there. So, I know many of you have toured it. I hope that you did stop to see the Telemedicine Program that we do have that is connected immediately for someone having a stroke to a neurologist. The neurologist assists the patient immediately and if they need the medication to break up the clots, they give it. So, I just don't want our community to be alarmed. I just had Chris Denato who is the new Vice-President of Aultman Massillon. We just had her on our television show and they are looking to expand. They are already outgrowing what they're doing now and that's what we shared with Council, those members that were here. And that is if our community wraps their arms around Aultman, we will be able to grow this facility and they're looking to do that now. They're looking for opportunities of where they can grow and they're putting together a plan. So, I just wanted to address that with all of you and let you know so that we do not alarm our community. Aultman Massillon is here and they're doing an outstanding job.

BILL WEAVER – 28 Lincoln Way E., Massillon, Ohio. I texted the Mayor last week, it's about the traffic light pattern downtown. When we talked about the whole Imagine thing last year, one of the things that the downtown businesses were saying was that we need to change the light pattern. This is just an odd question, but how many of you know that if you're up on Lincoln Way at Third Street and you zip through that light, you can hit the last one at the bridge

on yellow, if you go 40 mph? You can do it. We all know that. People know that. They fly through downtown. Yesterday or day before, there was a lady, I was walking over to the Sugar Bowl and there was a lady standing on the corner of First and Lincoln Way, catting-cornered from the Museum and she was getting ready to cross Lincoln Way and a car came flying down through there and almost got her. But our concern is too, people come into the Sugar Bowl, they come into the stores downtown and I think, Bonnie, you said that happened to you recently that they said "We didn't know you were open again". It's because they fly through downtown so quickly or they're still avoiding downtown, they're going around, like they did before when the roads were closed. But we really need to address this light pattern downtown that they can't fly through down there so quickly. One, they're not seeing the businesses that are there, two, it's dangerous for the people and it's really dangerous if you cross over at the "crack" near Postal Place. It's really dangerous if you get caught out in the middle of the "crack" out there and the cars are flying. A car almost got me the other night. So, I just want you to think about that and maybe think about changing that light pattern a little bit just to make it safer and to slow the traffic down. I know some people are going to get mad about it, but, it's really a good idea. Okay?

COUNCIL PRESIDENT ISTNICK – Thank you. Mayor.

MAYOR CATAZARO-PERRY – If I may address that as well. Jason, do you want to come on up? We are addressing that issue and actually, the crosswalk there, the pedestrians have the right of way. So, Jason, would you go ahead and talk about the timing of the lights please?

JASON POPIEL – Sure. It is our intent to have those light out of time so it's to prevent what you just said. Right now, the inter-connect is not hooked up. We are working with the City Safety Department to get a better power source there. What that will do is that will get those two lights out of sync with the other one. So, we will be stopping traffic at least as they go through the downtown area and that's just a power source problem that we're working on right now. We are going back occasionally and resetting the timer. The lights will be out of sync. I know sometimes they are, sometimes they aren't, but we are aware of that problem and we will get to it.

BILL WEAVER – Okay.

COUNCIL PRESIDENT ISTNICK – Councilman Thieret.

COUNCILMAN THIERET – I got a question while you're up there. Somebody asked me today, exactly that. Because there's posted crosswalk signs there, if you didn't know it was there, you wouldn't know it's there. At that little cut-away.

JASON POPIEL – At the mid-walk?

COUNCILMAN THIERET – Yes, the mid-walk.

JASON POPIEL – Oh, I thought there were crosswalk signs there. Is there not?

COUNCILMAN THIERET – No, there's not.

JASON POPIEL – Okay. I'll have to look into that.

COUNCILMAN THIERET – Right, if you know it's a crosswalk and you see somebody there, you're going to stop.

JASON POPIEL – And so you know, the purpose of having a divided boulevard is to only cross the road half at a time so you don't have to run across. You can stop midway and wait for traffic to clear. There is a sign there. Maybe it was put in after you saw there. I was just informed that it was put in.

JOHN ROSEMAN – Right. That's just what I was going to say. I watched them put up a real bright neon green one with the people walking across at Postal Place. There are signs up.

COUNCIL PRESIDENT ISTNICK – Anyone else on Council? John, are you finished?

JOHN ROSEMAN – Yes.

COUNCIL PRESIDENT ISTNICK – Okay. Thank you.

BONNIE FALL – Is the Streetscape Project considered finished then other than a couple of things?

JASON POPIEL – Yes. It's considered substantially complete. There is another process which is where the City goes through with the inspecting group and they can draw up a list of things that need to be addressed. For example, the bricks that are popping up and chipped bricks that were installed against the plan. So, we would mark those and they would have to come back and do that. We're in the process of preparing that list now and we would expect them to return to address these items once the weather breaks and we won't have any closures during this repair process and there's a large hold on the final payment until that's complete.

BONNIE FALL – The reason, too, is if you turn right on First Street onto Erie and if you don't make a wide enough turn, you'll go over that curve, you'll fall down. I've done it twice now and the third time, I went around. If there's a car in that turn lane at Erie, you won't be able to turn in that lane without going over that curve; the bump-out. The bump-out, to me, sticks out way too much. I have an Escape, so I don't have a big car.

JASON POPIEL – Tell me what the turn was again?

BONNIE FALL – From Lincoln Way onto Erie turning right onto Erie.

JASON POPIEL – So, you're going east west bound on Lincoln Way?

BONNIE FALL – Yes. West on Lincoln Way.

JASON POPIEL – To north Erie?

BONNIE FALL – Yes, to north Erie.

JASON POPIEL – I'll look at that.

BONNIE FALL – And you go right off the curb and any of the handicap people, they'll be up on the curb. So, I know that a couple of my customers have been on the curb.

JASON POPIEL – I will check into that for you guys.

BONNIE FALL – And also, why aren't the trash cans out?

JASON POPIEL – We are going to be putting out the old trash cans for now. We do have new ones, but until the project is fully complete, we'll just put the old ones back out.

BONNIE FALL – Okay. I just have a comment. I loved it, I have supported the Streetscape Project from the very beginning, but, September when it wasn't done, I gave it another month into October. And then actually didn't get opened until January and a lot of people, even a couple of weeks ago when I was sitting at IHOP over in Canton, they said to me "I'm so glad you finally opened back up your business. Now we can come down". And I'm like, "But, I never closed". I mean, businesses didn't close because the street was closed and people are overly bright sometimes and I get that. If everybody didn't need signs, I wouldn't have a business, right? So, people don't read and I get that, but from October until January when the project is considered complete or not complete, there, to me, should be a money issue that should come back to the City. Because those streets were not ready and open when the contractors did say they were going to be open and I truly believe that you guys as Council should look at that and go, "Wait a minute". From September, okay, you gave them thirty more days from to October and thirty more days to November and it wasn't totally up until January. So, I would think if I was a contractor doing your work and you didn't like that I took five extra months, four extra months to do the job, I would have been fired. So, just FYI, when you look at your contractors doing the work and we all understand that things happen and I get that, we all get that. But four months of being told it's going to open in a week; it's going to open in thirty days; it's going to open in a week and it just kept going back. So, I just wanted to say that I think you guys should ask for money back. They did not complete their assignment on time and did a really crappy job at the end of mine. I love the "M's". Don't get me wrong. I love the "M" in the road, but we have sinking bricks already and there's step marks already and when you turn the corner and I did have an issue about the trash cans too. I don't mind picking up trash, but, it can get a little hairy sometimes. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you, Bonnie.

L.J. DELUCA – Madam President? I'm just going to make this really short. Did we change the rules on question and answer in our Work Sessions in 2020? Are they the same from 2019? Meaning that the Mayor gets up and answers. Before they wouldn't answer. Whether it be Barb Sylvester or the Mayor or Dave Maley. Are we changing those? And if so, I'd like to know for the record.

COUNCIL PRESIDENT ISTNICK – No. I was going to make a comment about that, Mr. DeLuca.

L.J. DELUCA – Okay.

COUNCIL PRESIDENT ISTNICK – And I thought the Mayor was gracious to get up and answer these. But this, usually, is not a question and answer.

L.J. DELUCA – Right. And I appreciate the Mayor's answers. Thanks, Mayor. You answered my question. Thanks, Dave Maley and thanks, Barb. However, I'll just tell you real quick, also, when you speak at No. 5 (on the agenda), are you able to get up and speak at No. 17 again? Because I just wondered if you changed that.

COUNCIL PRESIDENT ISTNICK – Yes you may. They are two totally different things.

L.J. DELUCA – Two different things, okay. Because I thought before when you spoke at No. 5, you couldn't speak at No. 17, the way I had it. It's on tape. But I just wanted to clear that up. Basically, here's what I have to say, Madam President. I appreciate you letting me come up again. Thanks everybody. I was eating at Smiley's today, my good friend and I've been in business and stuff like that and coming down Streetscape, three or four big trucks went by and Smiley went back like this and I went back like "Whoa". Those trucks were traveling at a rate...first I even thought that these places weren't going to allow these big trucks coming down there. The other people almost got hit. I did say about three sessions ago I said "Safety's going to be a big concern, Massillon". You can go back and check for our Streetscape and I think we have a problem now with safety. I like how it looks. It's great. I ate there today and I hope we get more millennials down here like the Mayor wants. But I have concerns about these big trucks and they're trying to push these other cars out there. I drive a Kia Soul and one of those things would put me in the Massillon E.R. So, I'm just saying. Thank you, Madam President, for letting me address that again. Thank you.

COUNCIL PRESIDENT ISTNICK – Thank you.

BILL WEAVER – Just one thing, sorry. Are we going to paint lines for parking along Lincoln Way between the bump-outs? Because people don't park well. If somebody parks wrong you can only get two cars in there. If they park absolutely right, we get three cars in there. But, maybe paint some little white lines in there.

COUNCIL PRESIDENT ISTNICK – Mr. Lewis is shaking his head, yes.

BILL WEAVER – Okay. And also, Larry just asked a question and I don't think you caught it. He asked about the Work Sessions. Is the public going to be allowed to speak during the Work Sessions? That's what he originally asked.

COUNCIL PRESIDENT ISTNICK – I'll give that to Mr. Lewis. He's in charge of the Work Sessions.

BILL WEAVER – Okay.

COUNCILMAN LEWIS – I had spoken to a couple of Council members and I believe that there will be an opportunity to do so. What that looks like or when it gets called upon has not been determined. Does that make sense?

BILL WEAVER – Yes. Thank you.

JAMES HAAVISTO – 2443 Wittenberg Ave. S.E., Massillon, Ohio. I'm not going to ask for six minutes, even though I won't have time to get back up here for the second time. I'm just kidding. No, first of all, I just wanted to address Council and to also fulfill the Council Rules that were established last year. I am a candidate for State Representative District 49 which

does represent all of Massillon, except for Ward 6. So, I wanted to disclose that. However, I'm not coming as a candidate for representative, I'm coming as a taxpaying citizen and I have a couple of issues that I've been thinking about for a few months and it came up again at meeting or so ago. And one of them is how are City is perceived and how it's managed. I'm always talking about that and I heard a comment months ago about if we don't accept this capital grant for Duncan Plaza. The comment was, "We'll never get another capital grant from the State of Ohio". That is a lie and the citizens of this City, talk about making citizens afraid, that is a lie. I don't care how you vote on anything. That is not true and those falsities should not be presented to this Council. That was not from Council, but it was presented to Council that way. And in my opinion as a taxpaying citizen, that is not acceptable. The next one is that the County is looking at us by the way we're behaving in Massillon as if we're little kids; that the County is looking at us and we have a black-eye, in their eyes of what we're behaving like. No, we're citizens, we're a Council, we're a governing body, we're an Administration that is talking out our differences and we're going a great job governing. I think, in my opinion, much better than we have in some times past. So, I called the County officials. I mean, I get it; I don't have a lot of friends out there because I'm a little bit outspoken, but I do know County officials and I spoke to them and I quote "We do not have a dog in that fight" and I quote "We are proud of all of our communities in the County". Those are from two of the elected County officials and the third said "We are very busy running this County. We have straightened out this County of the last ten years from the mess it was in and we do not have time to get wrapped up in any city's business. Whether it's Massillon, Canton, Alliance or any other". So, I really don't like the fact that when things are presented to this Council that passive bullying about "We look like this...". That's not from everybody. I've talked to State officials. We are not going to lose any chance at capital improvement funds in the future. If someone made a comment to someone about that, that's fine. But that's not fact. I'm not running for a state position because we're going to turn away dollars for Massillon or any place else. So, let me just slip that in there. But we have got to stop trying to bully each other and I don't care where it comes from. It's not a bullying job. We deserve to talk about it. The citizens deserve to be heard. The Council deserves to be heard and they don't need to be misrepresented by what's happening in the County or the State and I'm a little concerned about that passive bullying that's been going on in this Council. It has been going on for years. That's my opinion.

COUNCIL PRESIDENT ISTNICK – Thank you. Anyone else?

J. DAVID – Massillon Magazine. 1073 – 32nd St. Has anybody heard anything from the Veteran's Administration pertaining to Affinity? That's all.

COUNCIL PRESIDENT ISTNICK – Anyone else. Again, going forward, at a Council Meeting, this is not a question/answer. If the Administration ever deems it necessary to come up and address an issue at the time, that's great. But, it will it be a regular thing. Councilman Lewis.

COUNCILMAN LEWIS – I make a motion that we enter into Executive Session pursuant to ORC. Sections 121.22(g)(8) for the consideration of confidential information related to marketing plans, specific business strategies, trade secrets and financial statements with regards to applications and proposals for economic development assistance. The assistance will be administered through the Community Improvement Corporation of Massillon and this Executive Session is necessary to protect the interest of the applicants as well as the possible investment and expenditure of public funds made in connection with this economic development project. To this Executive Session I invite the Mayor, the Safety Service Director,

Barb Sylvester, Economic Development Director, Dave Maley, Budget Director, Lori Boron, Law Director, Andrea Scassa and all ten members of City Council.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Gregg. Roll call.

9 yes to enter into Executive Session – 7:30p

COUNCIL PRESIDENT ISTNICK – Councilman Lewis.

COUNCILMAN LEWIS – I make a motion to exit Executive Session.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilwoman Litman.

9 yes to exit out of Executive Session – 8:05p

COUNCIL PRESIDENT ISTNICK – Thank you, Madam Clerk. We are now back into our Regular Session.

18. ADJOURNMENT

COUNCILWOMAN HALTER – I'd like to make a motion that we adjourn.

COUNCIL PRESIDENT ISTNICK – Seconded by Councilman Thieret. Meeting adjourned.

DIANE ROLLAND, COUNCIL CLERK

CLAUDETTE ISTNICK, PRESIDENT